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**TESTIMONY**  
**BEFORE THE**

**HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON**  
**ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY**  
**MANAGEMENT**

**ON**

**PREPAREDNESS SYSTEM OVERSIGHT**

**THE UNITED STATES HOUSE OF REPRESENTATIVES**

**APRIL 14, 2005**

**Introduction**

Thank you Chairman Shuster, Ranking Member Norton, and distinguished members of the Committee for allowing me the opportunity to provide you with a statement for the record on the nation's preparedness oversight system. I am Dave Liebersbach, President of the National Emergency Management Association and Director of the Alaska Division of Homeland Security and Emergency Management. In my statement, I am representing the National Emergency Management Association (NEMA), whose members are the state emergency management directors in the 50 states and the U.S. territories. NEMA's members are responsible to their governors for emergency preparedness, homeland security, mitigation, response, and recovery activities for natural, man-made, and terrorist caused disasters.

**Our Nation's Preparedness System**

Since the creation of Department of Homeland Security (DHS), our nation's preparedness system has undergone some significant changes. DHS officially placed preparedness for terrorism and all-hazards under one overarching Department while asserting an all-hazards focus with integration of the Office for Domestic Preparedness and the Federal Emergency Management Agency (FEMA) into DHS in early 2003. The National Strategy for Homeland Security cited that "the responsibility of providing homeland security is shared between federal, state, and local governments and the private sector...Cost sharing between different levels of government should reflect the principles of federalism."

Last year, the Secretary of DHS proposed to create a "one stop shop" for homeland security funding that lead to some preparedness grants being moved to the newly created Office for State and Local Coordination and Preparedness and some preparedness functions being moved out of FEMA. Congress affirmed this proposal in language included in the FY 2005 Appropriations bill for the Department of Homeland Security. While many of these changes have improved some of the

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nation's preparedness functions, NEMA is extremely concerned that any further changes that separate preparedness from the response and recovery functions that were once in the legacy agency of FEMA will unnecessarily complicate and comprise our nation's ability to respond to and recover from disasters. Preparedness means personnel, planning, training and exercise – for all aspects of a disaster. Preparedness functions cannot be isolated from response and recovery because they are inextricably linked together. Such separation could lead to fractionized response and undue loss of life and property. As Congress and DHS review the organization and functions of the Department, we ask that preparedness not be further separated from emergency response and recovery functions.

Additionally, as the FY 2005 funding has been processed, NEMA has been working alongside the Office of State and Local Coordination and Preparedness (OSLCP) to ensure that the all-hazards intent of the Emergency Management Performance Grant Program (EMPG) is not changed with the creation of the “one stop shop” for preparedness funding, since EMPG is the only all-hazards source of federal funding for state and local emergency management capacity building. OSLCP is looking at ways to improve the program also in coordination with NEMA. However, because DHS is a new Department with a new and developing financial management system the changeover has not been without significant delays in the amount of time that it takes for states to get their funding. In fact, homeland security funding including EMPG is processed through the legacy Department of Justice system that was used before the Office for Domestic Preparedness was transferred into DHS. Additionally, integrating EMPG funding into the homeland security grant program means that in more than half of the states, another layer of bureaucracy is added because only half of the nation's emergency managers serve as the state administering agency (SAA). In these cases, it takes even longer for emergency management agencies to access the EMPG funding once it is awarded. This has a domino effect as delays are then experienced by local governments that receive EMPG monies. NEMA has received reports of situations in which county emergency management programs were on the verge of shutting their doors because they had expended their match funds while federal funding continued to lag. In most states, EMPG funds were not received until 6 months into the federal fiscal year. NEMA hopes to work collaboratively with Congress and OSLCP to resolve these issues in the coming year to ensure swifter grant awards in FY 2006. Specifically, we ask that Congress de-couple the Emergency Management Performance Grant which is an all-hazards, 50/50 match program from the homeland security grant program which is terrorism focused with different and longer-term requirements.

### **National Response Plan**

NEMA supports the release of the National Response Plan (NRP) by DHS as the comprehensive, all-hazards tool for domestic incident management across the spectrum of prevention, preparedness, response, and recovery. The NRP comes as a result of a federal, state, and local government partnership, in addition to private sector coordination and NEMA supports the final product. The plan supersedes the former Federal Response Plan, the Initial National Response Plan, the Concept of Operations Plan, and the Federal Radiological Response Plan as a requirement of both the DHS Act and Homeland Security Presidential Directive 5 on Management of Domestic Incidents. NEMA was actively involved in a state and local working group that reviewed drafts of the NRP and proposed changes as the NRP was developed by the Department for over a year. NEMA was

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fortunate to have Oklahoma's Director of Emergency Management, Albert Ashwood, represent the association on the work group.

The final plan is not all that different from plans that state and local governments have in place that recognize and organize the nation's response through emergency support functions (ESFs). The new NRP obviously describes response within the context of the Department of Homeland Security. The NRP is already being put into practice, as Principal Federal Officials (PFOs) have been appointed to disasters that have occurred in the last six months. These PFO's have been integrated into emergency response to represent the Secretary of Homeland Security during a disaster. The NRP allows for ease in bringing more federal assets and resources to bear when state and local governments become overwhelmed during major disasters, such as last year's hurricanes in the Southeast and the Alaska wildfires.

The process used for developing the NRP initially was not an easy road. Early on in the creation of DHS and as the 22 agencies came together in the Department to organize the nation's preparedness against all-hazards, the initial work on the plan did not include state and local government or even cross-Departmental input for the initial plan. The first draft plan was developed in a vacuum that did not recognize the existing state and local response plans that have been used very effectively over the years in every type of disaster or emergency that has occurred in this country. State and local governments had no input into the early version of the NRP which lead to significant outcry from the emergency preparedness community when the draft was released. States are often called "the laboratories of democracy" because of the innovative concepts and practices that are developed to address unique challenges, and these practices are often adapted for federal governmental implementation. Yet, the lessons that were learned by state and local governments, who had emergency response plans in place to address all-hazards emergency management, were initially ignored. NEMA commends DHS for listening to the concerns we had with the initial process and then adapting the process in progress. NEMA calls on the Congress to ensure that DHS continues to maintain consultations with stakeholders as they develop critical national policy and implementation strategies that include roles and responsibilities for stakeholders like emergency management.

A key component of the NRP requires state and local governments to update their emergency response plans to reflect the new National Response Plan. However, no dedicated federal funding is provided towards updating these plans. Similarly, federal funding is not available for state and local government emergency responders, who are required to adopt and train responders on the new National Incident Management System (NIMS). NIMS is the companion operating system to the NRP intended to ensure common protocol and response to incidents. At a time when all resources are taxed to meet the new threat environment, state and local governments must utilize current funding streams to address new mandates, while potentially eliminating or scaling back other critical programs and priorities to meet this need. Essentially, the federal requirements could mean that some state and local priorities may fall through the cracks in a time when all preparedness activities are essential. NEMA calls on the Congress to address these mandates on state and local government in order to meet federal government requirements.

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## **HSPD-8**

Another critical component to improving our nation's preparedness was the release of Homeland Security Presidential Directive 8 (HSPD 8) on National Preparedness, which was released on December 17, 2003. Even before September 11, 2001, NEMA called on the federal government to address national preparedness standards for planning, training, equipment and communications to develop common approaches between the federal, state, and local governments. NEMA is supportive of efforts to develop a national preparedness goal and accompanying standards so we as a nation are working toward common levels of preparedness.

HSPD 8 is another process where NEMA has been asked to assist with input in developing the system; however we continue to have concerns regarding the process and the final product. NEMA participates on the DHS Senior Interagency Steering Committee on HSPD-8 as well as several other HSPD-8 working groups, but has found that the opportunity to impact real change is limited due to rigid timelines required of DHS. Consistent and increased state and local government involvement in the national preparedness guidance, metrics on performance, adoption of the goal, and implementation must be a critical component of the federal government's objective with HSPD 8. If state and local governments and emergency responders are not included and the process is contractor driven or federally driven, we will end up with a situation similar to what initially occurred with the NRP and have to start over from scratch in order to get buy-in from the stakeholders that this program impacts the most.

The cornerstone of our nation's emergency preparedness has been preparedness against all hazards and threats regardless of the cause. On a daily basis, the highest probability threat is that of a natural disaster or other man-made incident like a hazardous materials incident. HSPD 8 states that, "to the extent permitted by law, federal preparedness assistance will be predicated on the adoption of statewide comprehensive all-hazards preparedness strategies." Yet, the national planning scenarios include only three scenarios of the fifteen are not terrorist attacks. The directive calls for "threats and hazards that present the greatest risk". Changing the focus of preparedness to weigh so heavily on terrorism could severely hamper the ability of state and local government capabilities to respond to a wide range of events with a higher likelihood of occurrence such as natural disasters, non-traditional disasters like the Columbia Space Shuttle explosion, Mad Cow disease, West Nile virus, civil unrest, and hazardous material incidents. Increased homeland security focus must be viewed as an *enhancement* to our basic emergency management capacity. Our system for public safety and homeland security must be mutually supportive and nimble enough to address any hazard.

Additionally, the development of HSPD 8 and the guidance for implementing the new National Preparedness Goal must take into account existing standards programs, such as the Emergency Management Accreditation Program (EMAP) and the National Fire Protection Association 1600 Standard on Emergency Management. Other emergency response disciplines also have standards programs in place to address preparedness as well. We cannot afford to start from scratch and

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recreate the all standards for preparedness. We must utilize these existing and trusted systems that emergency responders currently rely upon.

Further, the timelines for implementation of HSPD 8 are very tight and must be seriously reconsidered for not only practical application but also for the buy-in of the personnel and stakeholders who will be required to implement the goal at the state and local level. The National Preparedness Goal was released on April 1, 2005, yet state and local governments will be required to conduct comprehensive assessments and update their statewide homeland security strategies by the end of the current fiscal year in order to be eligible for FY06 federal preparedness assistance funds. That's a mere six months to accomplish these major tasks while also updating their emergency response plans to reflect the NRP and continuing to implement the Homeland Security Grant Program. Again, there is no new federal funding that is available for addressing these strategies for national preparedness. We cannot afford to meet these mandates with existing programs like the Emergency Management Performance Grant program which is already experiencing a \$264 million shortfall. As stated previously, states have less than six months to address the federal mandates.

NEMA strongly supports maintaining baseline funding for emergency management capacity building to ensure national preparedness against all hazards and maintenance of the nation's mutual aid system. As the Administration proposes to shift funding formulas for preparedness through HSPD 8, NEMA asks that you consider the mutual aid given during last year's hurricanes as the interdependencies of the nation's emergency management system were tested through the Emergency Management Assistance Compact (EMAC). The state-to-state mutual aid compact enabled 38 states to provide assistance in the form of more than \$15 million in human, military, and equipment assets and over 800 personnel to support the impacted states for over 85 days of continuous response operations. The nature of the nation's mutual aid system vividly shows the need for all states to have appropriate capabilities to respond to disasters of all types and sizes. Additionally, resources are needed to build emergency response capabilities on a national basis and to ensure the system can handle the demand of natural disasters and other emergencies no matter where they occur. EMPG is the only means to support this assistance that can be offered by other states in the face of disaster through adequate preparedness. EMPG ensures all states have funding to develop and maintain a base level capacity that can be utilized by other states for mutual aid.

## **CONCLUSION**

As we continue to build national preparedness efforts through the Department of Homeland Security, we must not forget about the all-hazards approach that saves lives and prevents economic devastation in our communities on a daily basis. NEMA strongly supports efforts to define our nation's preparedness and to develop standards for preparedness, with appropriate input from stakeholders and recognition of current systems that are already working. State and local governments must have adequate funding and reasonable timeframes to address federal mandates and most importantly, we cannot afford to eliminate baseline emergency preparedness funding for emergency management. I thank you for the opportunity to testify on behalf of NEMA and

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appreciate your partnership. I hope we can work together to ensure that the nation is prepared for any disaster, regardless of cause.